



**American Moving and Storage Association**

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Robert L. Stephenson II  
Director, Division of Workplace Programs  
CSAP  
5600 Fishers Lane  
Suite 815  
Rockville, Maryland 20857

**RE: Mandatory Guidelines for Federal  
Workplace Drug Testing Programs**

Dear Mr. Stephenson:

The American Moving and Storage Association ("AMSA") submits the following comments in response to the referenced proceeding.

AMSA is the national trade association representing the household goods moving and storage industry. AMSA has approximately 3500 members, including international and national van lines with agency networks; independent national and regional van lines; and local agents affiliated with a van line network. AMSA's members are domiciled, and provide relocation and warehousing services, throughout North America and strategic points throughout the world.

As operators of commercial motor vehicles on public highways, AMSA's members recognize the responsibility they shoulder to ensure that they hire and contract with drivers who satisfy prescribed physical qualifications. These qualifications, such as, but not limited to, initial and periodic drug and alcohol testing, help to ensure that drivers operate their equipment unaffected by substances that can impair their judgment and reactions. Drivers are subject to pre-employment, random, post-accident, and return-to-duty testing, all of which help assure the quality and competence of individuals to operate commercial motor vehicles on public highways. The proposal to adopt uniform validation standards when urine specimens are collected addresses a concern shared by many motor carriers and is one that AMSA welcomes. While AMSA may not possess the technical expertise to judge whether a specific proposed standard is better than another that might have been considered, AMSA enthusiastically supports the proposal that all urine samples collected pursuant to a federal workplace drug testing program be subjected to validity testing, and handled in a uniform, prescribed, and predictable manner.

AMSA and its members are aware that drivers of commercial motor vehicles, as well as operators of other commercial transportation equipment such as trains, barges, and airplanes, are offered a variety of opportunities to obscure the true content of urine that is required to be submitted under a federal workplace testing program. These programs require urine specimens to be submitted to detect the presence of illegal substances that may impair an operator's ability to operate a vehicle or equipment safely. The consequences of having illegal substances detected in one's urine – typically discharge, and in some cases suspension – provide an incentive for some operators who may have ingested prohibited substances to tamper with a urine specimen they are required to supply. Examples of tampering are varied. Drivers may attempt to adulterate a specimen by adding to the urine a chemical substance designed to mask or destroy the drug or drug metabolite that the specimen is thought to contain, or the assay reagent used to identify a drug or drug metabolite. Another example of tampering is diluting the urine sample with a substance that decreases the concentration of a suspected substance below that which is needed to declare the sample positive for an illegal drug. Finally, some drivers simply substitute a suspect specimen with a sample thought to be drug-free. In all such cases, specimens that would otherwise test positive for illegal substances are tested negative, thus allowing a driver who should be removed from the road immediately to return to duty. Subjecting all urine specimens to validity testing offers a measure of assurance that adulterated or diluted specimens will be identified as such. Moreover, individuals who place other motorists' safety at risk by continuing to operate commercial motor vehicles while in possession of prohibited substances will be taken off the highways. Certified drug labs contacted by AMSA during the preparation of these comments have been reluctant to discuss the problem of adulteration, and have refused to address the ways in which urine specimens are adulterated. To their credit, they recognize the need to zealously safeguard the measures they are taking to identify adulterated samples, and to defeat the efforts of those individuals who are trying to undermine the integrity of the drug testing program.

Certain of the proposals address chemical or other scientific characteristics of a urine sample, such as pH level, creatinine level, and specific gravity, and propose to adopt as standards those that are found by the Department of Health and Human Services in a review of existing scientific literature. AMSA supports the adoption of these levels as generally accepted in the scientific community. Specific quality control criteria that are proposed, as well as the proposed expansion of a medical review officer's duties to encompass review of adulteration, substitution, and invalid test results, are also supported as necessary to procedurally achieve the goal of subjecting each sample to validity testing.

Although there is no such proposal pending, AMSA suggests that an "abnormal physical characteristic", contemplated in the proposed definition of "invalid result", extend beyond chemical characteristics to sample temperature. One lab performing drug tests on urine samples considers an otherwise acceptable sample to be suspect if its temperature is more than four degrees below normal body temperature (98.6). Prevailing guidelines require that the sample be validated provided the temperature is above 90



degrees, an almost inhuman temperature for a live sample. Further attention should be directed to the temperature of urine samples as an additional means by which to determine substitution.

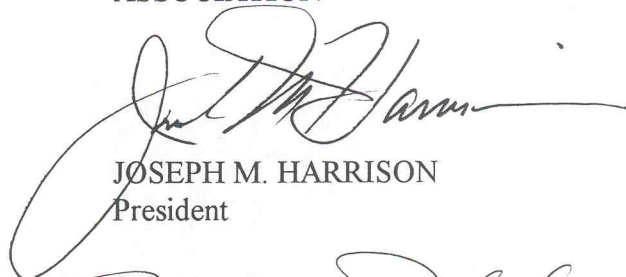
The proposed revision to Subpart C, Section 3.2, paragraph (b) should be revised. In light of the proposed applicability of the standards to all employees covered by a federal workplace drug testing program, the proposal's reference to protection of the rights of Federal employees is unduly restrictive. Instead the passage should reference the protection of rights of any employee tested pursuant to a federal workplace drug testing program. Similarly, and in the same paragraph, the proposed standards should reference testing performed by any laboratory testing pursuant to a federal workplace drug testing program, rather than those labs engaged in federal employee urine drug testing.

In view of the potentially severe consequences of a commercial motor vehicle operator's submission of an adulterated urine sample, AMSA may petition the Federal Motor Carrier Safety Administration to initiate a proceeding that would impose appropriate sanctions, up to and including disqualification from driving, upon any individual who knowingly supplies an adulterated, diluted, or substituted urine specimen when required to do so pursuant to federal regulation.

Thank you for the opportunity to comment on this proposal. We welcome the opportunity to clarify any of the positions expressed herein.

Respectfully submitted,

AMERICAN MOVING and STORAGE  
ASSOCIATION



JOSEPH M. HARRISON  
President



ROBERT G. ROTHSTEIN  
Acting General Counsel